prejudicial to good society, while the de-fense attempted to show the opposite state of affairs. The trial will probably be con-

Judge McMaster Takes Charge To-

J. L. McMaster will succeed Judge

Winters this morning. He qualified yester-

day afternoon. It has been currently re-

ported that Judge Winters had requested

Mr. McMaster to allow him to remain in

the court until he had disposed of the Iron Kall receivership, Mr. McMaster said yesterday that such was not the case; that

he had requested Judge Winters to remain because he was unable at the time to be-

Receiver for Art Engraving Company,

A. A. Young was yesterday appointed re-

ceiver for the Art Engraving Company. A

judgment was obtained by the Indianapolis

electrotype foundry against the engraving

company, which resulted in the appointment

of the receiver. The engraving company has done a successful business, but a lack

of funds and a disagreement in the busi-

ness management of the concern forced it into court with this result.

Runaway Injury Worth \$2,000.

A suit was filed in the federal court yes-

terday, on transfer from the Floyd Circuit

Court, in which Olive McMackin asks \$2,000

damages from the receiver of the New Al-

bany Railway Company. The complaint avers that the plaintiff was injured in a runaway which was caused by the careless-

His Third Time in Court.

of Judge Stubbs for the third time yester-

day, was fined \$25 and costs and sent to the workhouse for thirty days for drunken-

Trial of the Hignite Case.

The Hignite saloon case, involving the

right of the Mayor to revoke saloon

THE COURT RECORD.

Supreme Court.

17064. Moore vs. Ross et al. Madison C. C. Affirmed. McCabe, J.—Where land was sold on execution and possession taken

thereunder and retained for more than ten

years an action to recover possession there-of is barred.

16513. Garr, Scott & Co. vs. Shaffer et al. Cass C. C. Affirmed in part and reversed in part. Howard, J.-Where several

causes are tried together evidence of ad-

missions by one who was a party to one

of the actions only, which admissions were

denied by her, were only competent in the

cause wherein she was a party, and such

admissions being taken then as original

17081. Graves vs. Flizor. Kosciusko C. C. Affirmed. Coffey, J.—A subsequent childless wife who did not join in a deed by her

deceased husband is entitled to one-third

in fee of the land as against the children

of the former marriage.
17387. State vs. Arnold et al. Whitley C

act fairly gives such notice so as to reason

ably lead to an inquiry into the body of the bill it is all that is necessary to make

it constitutional as to the title. It need

not amount to an abstract of its contents

2. The act of March 9, 1891, concerning

bank officers receiving deposits after insolvency, is constitutional as applying to pri

17015. Miller vs. Richards et al. Adams C. C. Reversed. Hackney, C. J.-While

injury is probably an essential element in

a proceeding to establish or recover a right

of way by necessity, yet the recovery of

damages is not an indispensible accompan-

iment. 2. The action to recover such way

is of a possessary character, and not gov-

erned by the six years statute of limita-

1047. Romona Oolitic Stone Company vs

Phillips. Morgan C. C. Reversed. Davis

J. Ross, J., dissents.-When there is a de-

fect in machinery increasing the danger of

the employe, of which defect he complains

to the employer, and the latter promises to repair the defect, on which promise the em-

ploye relies and continues in the employ-

ment, he is for a reasonable time absolved

from the assumption of the risks of such service growing out of the defects, but it is

the duty of the employe to use such addi-

tional care in proportion to the increased and known dangers as a man of ordinary

prudence ought to exercise under the cir-cumstances. 2 In view of the unsatisfac-tory evidence in the case the second in-

1311. City of Valparalso vs. Ramsey. Por-

ter C. C. Reversed, Gavin, J.-A plaintiff is not by reason of defendant's promise to

remedy a defect relieved from the effect

Motion to reinstate overruled.

1286. Bedwell vs. Rademacher. Allen C. Affirmed. Reinhard, J.-When words

themselves are actionable as libelous if they

were applicable to the plaintiff an aver-ment that they were published of him is sufficient as an inducement. 2. The news-

paper publication in this case is held to be

Circuit Court.

Edgar A. Brown, Judge.

New Suits Filed.

al.; damages. On trial by struck jury.

White et al.; on note. Room 1.

Room

Morris: on account. Room 1

to sell real estate. Room 2.

son: foreclosure. Room 3

al.; foreclosure. Room 2.

tained. Demand, \$10,000.

May E. Haggart vs. John H. Stehlin et

Indianapolis Brewing Company vs. Thos.

Fidelity Mutual Lafe Insurance Company

'Mudget," etc., and Merchants' National

Bank, garnishee defendant; suit in gar-

Julia H. Ryan vs. Thomas Ryan; petition

George W. Jones et al. vs. Christine L.

Russell Eckman vs. Edward A. Dicker-

John A. Finch ws. Wallin O. Myers et

Lou Reeves vs. Citizens' Street-railroad

Fidelity Mutual Life Insurance Company

vs. H. M. Howard and Georgiana Howard

for recovery of money fraudulently ob

Jehu Ballard vs. The Citizens' Street-rail-

road Company and the City of Indianapolis

THE SIEVEKING RECITAL.

College of Music Auspices.

The first recital of the artists' series for

the College of Music was given last even-

ing at the Propylaeum. The artist who ap-

peared was Mr. Martinus Sieveking, the

Holland pianist and composer, now of Chi-

cago. Mr. Sieveking has lived in Paris and

London, where he has played, and from the

latter city he went out on several tours.

once with Edward Lloyd, the great tenor.

then Fernando Arboz, violinist to the

Queen of Spain, and again with Popper,

the celebrated player of and composer for

the 'cello. He came to this country last

ably received by the musicians, and has

had very complimentary testimonials from

the press wherever he has played. He is

a master of the keys, and can do the most

brilliant cadenzas or the heavy Beethoven sonatas. If he surpasses in one style it is

of the pastoral, in which he has composed

with much success. The selections for last evening were varied, being from Chopin,

the "Fire Scene from the Gotterdamme-rung" and a "Tarentelle," by Moszkowski.

In the midst of the programme he intro-duced several of his own, an "Introduction

and Valse Lente," a "Pastorale" and "Min

Richard Schliewen, who played the andante

from a Mendelssohn concerto and the ever

popular "Gypsy Dance," by Sarasate. After

the concert a number of musicians were invited to meet Mr. Sieveking, and later

they went to supper with him at the Com-

SMITH'S ENORMOUS GRAB.

This Attorney-General Cost the State

Over \$76,000.

Green-e Smith says he is going to make a

report some time of the enormous amount

of fees that he has obtained while in the

Attorney-general's office. To-day is his last

day in office, but he will remain in Indian-

apolis and give the city the benefit of his

efforts in detecting "southwestern odors."

Mr. Sleveking was assisted by Mr

damages. Demand, \$12,000. Room 2.

M. Howard, alias 'Holmes,

Demand.

Boby vs. Lorenze et al. Huntington

of his own contributory negligence.

structions were misleading.

Appellate Court.

Reversed. Dailey, J.-If the title of an

evidence against her as a party, testimony as to her reputation for truth was not ad-

licenses, has been set for trial for Dec. 3

in Room 2, Superior Court.

Edward S. Rice, who was before the court

ness of an employe of the company.

cluded to-day.

Special Meeting Called to Authorize the Issue of Bonds for the Pur-

chase of the I., D. & S. Road.

A New York telegram states that the directors of the Lake Erie & Western road have decided to call a special meeting of the stockholders to authorize an issue of first mortgage bonds, at the rate of \$5,000 per mile, upon the Indianapolis, Decatur & Springfield road. Negotiations have been completed with the Indianapolis, Decatur & Springfield first mortgage bondholders by which the Lake Erie & Western company can acquire the road in fee simple should the stockholders formally approve of the purchase. It is reported that some of the larger stockholders are averse to the transaction, to confirm which a two-thirds vote of the stock is required. United States Investor says regarding the deal: "In about mixty days the L. E. & W. will have assumed control of this 153 miles of road which will extend their line to Decatur, III., thus paralleling their Peoria division. While the purchase of the road has not yet been ratifled by the bondholders, yet the consent of fully two-thirds of them has, I understand, been secured, so that there is no doubt but that the deal will go through. A meeting, however, of the holders of the Central Trust Company certificates of the first mortgage 6 and 7 per cent. bondholders of the L., D. S. railroad has been called at the law office of Butler, Stillman & Hubbard, 54 Wall street, at which the negotiations which have taken place with the Eric will be presented and confirmed. This is a clean cash transaconfirmed. This is a clean cash transaction, the Erie having agreed to pay 130 net for the \$1,800,000 of trust certificates, which

In this connection it should be said that a number of Eastern papers, the Investor being of the number, have, in speaking of his deal, stated that the New York, Lake Erie & Western was the purchaser. This is a mistake; it is the Lake Erie & Western, an entirely different company from the

are a first lien on the entire property of the

C. P. Affairs to Be Investigated. Charles Rivers Wilson, ex-controller of the British national debt office, who sails o-day for New York, from Liverpool, on board the White Star line steamship Malestic, as representative of the shareholders in this country of the Central Pacific railroad, said in an interview yesterday: "I do not go to the United States with plenary owers to take action in case Mr. Huntingon and his friends refuse to carry out my recommendations. It is difficult to get widely-scattered shareholders to act in concert, but I am within the facts in saying that 60 per cent. of the 68,000,000 shares of stock held in England, Holland and the United States are behind me. These holders of stock bought at seventy-five and upwards, and for several years dividends were declared. Now their stock is quoted at about fifteen, and there are no dividends. These shareholders are sending me to the United states in order to ascertain why this is the case. To the obvious remark, 'Why don't the shareholders elect their own directors? the reply is that the company is a Cali-fornia corporation, and that it is required formia corporation, and that it is required to register its shares in San Francisco the shares, therefore, are in the orignames of Mr. Hutchinson's friends. desires my mission, and will no doubt beive me in the most friendly manner. Upon arriving in New York I shall see the Hutchinson and Messrs. Bretherton and inhard, and inquire fully into the situation. I shall then go to Washington and

stay at Sir Julien Pauncefote's and have an interview with the United States govan interview with the United States government, if I can get it to receive me, about the intended government action in January next. Naturally, the shareholders can only appear in form of paupers, and may be shown the door. But I am told that President Cleveland and his Cabinet are not inclined to take the place of the company in the control of the road, and they may be shown receive me in the friendly y, erhaps, receive me in the friendly the to protect the interests of a large by of people who are sufferers through fault of their own. The friendly action the government would perhaps bring out a renewal of the maturing bonds for ng term at lower interest, and would uce the best impression abroad and mally assist in the popularity of Amersecurities. I shall go from Washington t San Francisco, as my mission has two sides. I shall inquire into the condition of the Central Pacific and then into its relations with the Southern Pacific. After I am fully informed, I shall decide what I think the best course for the shareholders

Mere Lines Withdraw.

Two more lines withdrew from the Western Passenger Association yesterday, the Chicago Great Western and the Burlington, Cedar Rapids & Northern being the ones to oull out. The notice of the Great Western was received by Chairman Caldwell, at Chicago, late in the afternoon. That of the ngton, Cedar Rapids & Northern had ot been received, but it is known to have been issued. This leaves the association only the Burlington, the Illinois Central. the Chicago, Milwaukee & St. Paul and the Chicago & Northwestern. All of these lines may withdraw before the end of the week, although General Pass ager Agent Heafford, of the Chicago, Milwaukee & St. Paul, yesterday sent word to Chairman Caldwell that the Chicago, Milwaukee & between St. Louis and Indianapolis and ciation as long as there is any association to which it can cling. At the same time the Milwaukee road gives notice that it will hold itself in a position to meet any competition that may arise during sent disorganized condition of the tion. The other roads which are embers of the association have taken action in relation to the possible cutting of rates of any of the lines which have lately withdrawn from the association. Mr. Heafford, in his letter, requests Chairman Caldwell to use all his influence to see that none of the roads make any tracts between now and next Monday hen the meeting to consider reorganiza-on is to be held, and will prevent them om entering into an agreement to mainain rates, as they have been heretofore.

Everal of the lines that have pulled out of
the association have already declared themelves in favor of reorganizing the associa-tion, and such action will undoubtedly be aken at the meeting on next Monday. Both the Atchison and the Southern Pacific are enxious to have a new association formed, one that will include all the transcontinenness, and there is among the Westnes a strong feeling that this should

The C. H. & D. Not Disturbed. General Superintendent Waldo, of the Cincinnati, Hamilton & Dayton, was in the city yesterday. In answer to the remark that the C., H. & D. had a good many friends here who were sorry that its owners had allowed the Indianapolis, Decatur & Western to slip from its grasp, he answered: "The owners of the C., H. & D. are not at all disturbed that they have lost that road or any other which the Brice syndicate has been taking in of late. The C., H. & D. is old enough to take care of itself. Our general business is highly satisfactory, as are our earnings. The passenger trains are paying better than ever fore, and, with our large coal traffic, the freight earnings are very satisfactory. We have carried a good deal of grain to To-ledo and other points the last few months, here is now a large quantity of corn londed at our way stations, much of usiness being carried on local rates,

"Mothers' 举

COLVIN, La., Dec. 2, 1886.-My wife sed "MOTHERS' FRIEND" before er third confinement, and says she ald not be without it for hundreds f dollars.—Dock Mills.

per bottle. Book "TO MOTHERS" led free. Sold by all Druggists.

and, taken as a whole, the C., H. & D. is in a very comfortable fix-more so than had the company a number of weak roads to sap the life out of the paying divisions. In October we handled on our system 3,070 more loaded cars than in October, 1893, and 2,740 more empty cars, at reduced operating

expenses as compared with October, 1893." Regarding the relations of the Cincinnati

Hamilton & Dayton to the Queen & Crescent, he said he knew little, but he was under the impression that it would be operated independently of the C., H. & D.; however, Mr. Woodford, president of the C., H. & D. is chairman of the executive committee of the Queen & Crescent, and is certainly running that part of it.

certainly running that part of it. He thought that rates were being well maintained by both their freight and passenger

Personal, Local and General Notes.

Paul Quigley, a few days ago, completed

his thirtieth year as an engineer on the Bee line division of the Big Four.

J. Q. Van Winkle, general superintendent of the Big Four, went to St. Louis last night, to be absent a couple of days.

The general passenger agents of the roads

George M. Safford, general yardmaster

of the Panhandle lines at Chicago, has gone to Mount Clemens, Mich., for treat-

ment for rheumatism, from which he is a

J. C. Beam, formerly passenger agent of the East Tennessee, Virginia & Georgia, has been appointed Northwestern passenger agent of the Southern Railway, with head-

On his trip East to-morrow President Ingalls, of the Big Four, will be accom-panied by his wife, and will spend Thanks-

giving in Boston with their two sons, who

Joseph Wood, general manager of the Pennsylvania lines west of Pittsburg, was

in the city yesterday, and after the mana-gers' meeting left by the Indianapolis &

Vincennes for two or three days' hunting.

The Panhandle, as for some weeks past,

P. A. Bonebrake, superintendent of the Louisville division of the Pennsylvania

lines, was in the city yesterday with several of his subordinate officers, who have for

three days past been inspecting the main line and its branches.

Freight traffic is light with the Chicago,

Burlington & Quincy, and it has leased 1,000 box cars to the Northern Pacific, which

is doing a heavy business on portions of its system. In Washington and other States

on its lines crops this year were excellent

Col. A. M. Tucker, who was last week

elected one of the directors of the Chicago

& Erie, is rapidly coming to the front as

a rallroad man of ability ...e is frequently called in council by railway officials, so

sound is his judgment on many important

Commerce of Cleveland, and Superintendent

of Transportation Wheeler were in the city

yesterday, en route to Terre Haute for a conference with the officials of the Brotherhood of Locomotive Firemen as to their

Pittsburg has a large and flourishing branch of the Railroad Men's Christian As-

sociation, and on Sunday it celebrated one of its anniversaries. Addresses were made by Robert Pitcairn, superintendent of the Pennsylvania railroad, and many other railroad men. F. H. Thatcher, secretary of the branch at Purcel.

branch at Buffalo, N. Y., was present, and

It is stated that the Chicago & Great

Western, which has made one 10 per cent. reduction in wages, will make a second 10 per cent. cut. One wao is familiar with the

affairs of the road says nepotism has had so much to do with the selection of officers that it has resulted in placing men in posi-

tions that they are not competent to fill, and in the end the em-'-e is the sufferer.

John F. Miller, general superintendent of

the Southwestern system of the Pennsylvania lines, is in poor health, and an Eastern physician, who recently examined him, urged that he take absolute rest for a

time. The illness is the result of the strain he was subjected to during the Debs strike and that of the coal miners. For

days in each case he did not average three

President Perkins, of the Burlington road

arrived in Chicago yesterday, after making a tour through the West with the object of seeing the prospects for im-

of seeing the prospects for im-proved railroad traffic in the near future.

He said yesterday that in his opinion there would be no decided improvement for at

least six months to come. Next year's

crop must be reaped, he thinks, before traffic will be in good shape again.

The Lake Erie & Western yesterday put a steam shovel and two construction trains

at work to fill the approaches to Roeske

creek, where there is a long wooden bridge which is to give place to an iron structure of less length. Between Peru and Michi-gan City this company has done much work

of this character, greatly improving the property without in the least encroaching on the room required for the water to pass

It is stated by passenger men who keep

well informed that on no road in this sec-

tion has there been such an increase in

passenger business as on the St. Louis di-vision of the Big Four. Before the new

service was inaugurated and the Knicker-

bocker train put on there had been con-siderable improvement, but with this the earnings of the division from passenger

business have increased, it is stated, 4 per cent. over October and November of

The Lake Shore road has introduced in

its winter time card, which went into effect on Sunday, a systematic schedule. It is so

arranged that an employe of the road or the traveler can at a glance tell which way

a train runs, whether or not it is a through

train, and what connections it makes. All

passenger trains from 1 to 39 are through

New York Central road in both directions, odd numbers being west-bound trains and even numbers east-bound.

trains, the same number carrying over the

Commencing on Sunday Train 20 over the

Vandaila will leave St. Louis at 8:55 in

stead of 8:10 a. m., and leaves Indianapolis

at 3:30 p. m., arriving at Harrisburg at 9:30, Philadelphia at 12:20, Baltimore at 12:20, Washington at 1:30 and New York

nection at Harrisburg for Washington and

Baltimore, shortening the time to those

ern roads was held at Chicago yesterday in the office of Chairman Midgley, of the

Western Freight Association, to discuss plans for the extension of the territory in

which the division pool recently formu-lated on freight traffic shall apply. The territory was extended to cover Omaha and

Council Bluffs, and the proposition to in-

clude St. Paul territory was under discus-

sion when the meeting adjourned. It is in-

tended to extend the territory in which the

divisions shall be made to all the leading

points east of the Missouri river, and ulti-

The general managers of the roads which

constitute the Union Railway Company

work done was much of a routine charac-

ter, although some improvements in the

and Union tracks, and a proposition to advertise the time tables of the roads, the

Union Railway Company paying the bills, were voted down. Inquiry developed that at no other union station did the company

pay for such advertising. In speaking o

the meeting, one who was present said everybody seemed to be in an economical

mood, and voted against any increased ex-

The monthly bulletin of R. F. Smith

superintendent of the Voluntary Relief De-

partment of the Pennsylvania for the lines

and shows that in October there were dis-

bursed in death benefits \$8,000; in accident

benefits, \$4,842.75; in sickness benefits, \$6,-123.20, making a total of \$18,965.95, 735 mem-

bers, or their legal representatives in case of death, receiving benefits. In the sixty-

four months the association has been in

operation the sum of \$124,716 has been dis-

bursed in death benefits, the result of ac-

natural causes. Disablement benefits from

\$305,181.20; sickness benefits, \$392,635.10, making a grand total of \$1,171,908.99 disbursed

among 53,297 members. During the time 758

CITY NEWS NOTES.

The Homeopathic Medical Society will

meet at the Denison this evening at

The Meridian W. C. T. U. will meet this afternoon at 2:30 o'clock, at the home of

The South-side Republican Club home, on Virginia avenue, will give a reception to-night to the ladies among the friends and

The Republican committeemen in the First

ward have been invited to meet to-morrow

night at the house of Dr. Castor. A social

hour will be spent and the committeeman

whose pollbook showed the largest per-

centage of Republicans voting will be given

The Young Woman's Christian Temper-

ance Union will hold its regular meeting to-night in its rooms, 66½ North Pennsylvania street. The evening's topic will be in charge of Mr. John Moats. Mrs. K. Loftin, superintendent of narcotics under the W. C. T. U., will read a paper on "The Nature and Effects of Tobacco on the Human System"

Mrs. Dr. Curryer, No. 200 College avenue.

death benefits have been paid.

acquaintances of the members.

a fine overcoat.

idents for the sixty-four months were

west of Pittsburg, was issued yesterday,

penditures above actual necessities.

of gates at crossings on the Belt road

held their regularly monthly meeting yes

terday, all but one being represented.

mately to go beyond that line.

A meeting of the managers of the West-

points about two hours.

making Cleveland its headquarters.

made the principal address.

hours of rest in twenty-four

Vice President Day, of the Chamber of

of Florida are preparing a plan to give low rates to actual settlers, which will not in-

terfere with the regular rates.

quarters at Kansas City.

months.

matters.

are now in Harvard College.

CRIMINAL COURT NEGLECT HAS CROWDED THE COUNTY JAIL.

Prosecutor Wiltsie Says He Cannot Investigate County Commissioners Till Complaint Is Made.

Prosecuting Attorney Wiltsie was able yesterday to appear in the Criminal Court, though still suffering severely from the carbuncle on his neck. His duties as prosecutor began in the morning. He said the work starts out with considerable embarrassment because of his illness and the immense amount of labor before him and his deputy. "There are seventy-one prisoners," he said, "in the county jail, and some have been there for months without trial. Their attorneys have been pressing hard in the last few days for a speedy trial, and after consultation with the court it has been agreed to push the cases as fast as possible. We want to reduce the number of prisoners first and give men either their liberty or a chance to live out their punishment. Besides these cases there are a number of other defendants out on bond, and they are clamoring for trial and relief. The Smith case will not be reached until the latter part of December, and probably not until the first of the year. The grand jury will meet in December again and add to the number of cases. But we are going to do our best to clear up the court's docket. Three cases have been set for tolast week led in the east-bound tonnage out of Chicago, with the Nickel-plate close behind. The Big Four dropped down to 1.364 tons, the lightest week in the last two morrow and four for the day after. Mr. Alford and I expect to burn the midnight oil in preparing ourselves for an intelligent prosecution of the cases on the docket, of which we know nothing except what the grand jury notes tell us."

"What is to be done as to charges preferred against the County Commissioners in the matter of the award of contracts?" "As to that, my illness and the pressure of work have not allowed me to give a thought. I could not act, however, in this matter until some citizen should bring a charge to my notice. It is not the duty of the prosecuting attorney to hunt up causes of complaint, but should such matters come to me in the regular way I will give them the best attention that I can."

JUDGE WINTERS'S FINAL ORDERS. Several Important Entries Made in

the Iron Hall Case. Judge Winters made his last ruling yesterday in regard to the Iron Hall receivership. There are fifty-one branches in Pennsylvania which were in arrears when the Pennsylvania receiver made his report to Receiver Failey. Of these about twentyfive claimed that they had paid everything due, but had paid a part of it into Somerby's bank in Philadelphia, at his suggestion and request, and asked that they be given credit for that amount, which was done by Judge Winters. The two Maryland receivers, Charles J. Weiner and Joseph France, were allowed to settle on the same terms on which the other States made settlements, and all branches in that State which are not in arrears will be entitled to receive dividends. An entry was also made in regard to a number of matured certificates in conformity to a reopinion, which allowed these certificate holders to receive dividends on the face value of the certificates. A similar entry was made in regard to the matured certificates in the life division. In this entry all matured certificates which came from branches which were in arrears were excluded. Mr. Wishard represents 225 such claims, amounting to about \$200,000, and in each case he took an appeal to the Suoreme Court. An order was recorded yesterday morning

showing that Hawkins & Smith had been allowed \$14,000 last Friday for legal servallowed \$14,000 last Friday for legal services. This is in addition to \$11,000 already received, besides a share of the \$15,300.03, allowed Nov. 4, 1892. Attached to the petition asking this allowance is the certificate of Byron K. Elliott, John S. Duncan and W. A. Ketcham, stating that they believe the allowance to be just compensation for services rendered by that firm. The records also show that \$10,000 has been paid to Williams & Anderson, attornevs for the Boston receiver, of which amount \$8,000 was paid by the receiver here. This brings the total cost of administration to date to the sum of \$157,335.04.

A WORKHOUSE SENTENCE.

Judge Stubbs Orders Saloon Keeper Lanchan Severely Punished. Judge Stubbs yesterday heard the testimony in the liquor case against John Lannehan, who was charged with not only selling on Sunday, but selling to a tenvezr-old girl. He sentenced Lannehan to thirty days in the workhouse and to a fine of \$25 and costs. The child testified that she bought the liquor, but not of the defendant. Her testimony impressed the court that the story had been told the girl, and the Judge said he preferred to believe the officer who saw the sale. Lanne-

han took an appeal on a bond of \$100.

One Leg Made Shorter. The Citizens' Street-railroad Company and the city of Indianapolis were yesterday made defendants in a damage suit in which Jehu Ballard claims \$12,000. He says that last January he was driving on West Washington street and attempted to cross the tracks of the street-railroad company, but on account of a hole at the side of the St. Paul would be a member of the asso- New York, and the train makes direct con- track, which he says was two feet deep and had been there for two weeks, he was thrown from his vehicle and badly injured. His pelvis was broken and on account of that injury he avers that "one of his legs s shorter than it really ought to be." His injuries are permanent. Besides, his horse died from the effects of its njuries and he was compelled to pay \$500 for nursing, loctor's bills and medicine. The complaint does not state in what part of West Washington street the accilent occurred, but it must have been west of the river, for all that part east of the river was paved at that time. Mrs. Lou Reeves entered suit against the Citizens' Street-railroad Company for

\$5,000 damages, alleging personal injuries. She says that Nov. 9 she was a passenger on an Insane Hospital car and that when near the Big Four tracks, across the river on West Washington street, the car was stopped for her to alight, but was started again when she was on the step ready to get off. She was thrown against the back of the car and then to the ground, after which she was dragged about ten feet by the car, causing serious injuries, which resulted in the premature birth of her

Minor Criminal Cases.

Judge McCray yesterday sent Een Gentile to the workhouse for sixty days for petit larceny. He is the half-witted man who stole some corn a short time ago. It was stated at the time that he stole it to feed a horse which was wandering about half starved, but he said yesterday that he stole it for the purpose of having it made into meal to keep him from starving. He was sent to the workhouse merely to hold him until an affidavit can be filed for the purpose of holding an insanity inquest. William H. Bell, Richard Smock and Sarah Smith, alias Smock, were arraigned

spiracy to defraud. Their trials will be had early in December and will be separate. They are the persons who are charged with an attempt to swindle a Grant county man out of a piece of real property in West Indianapolis about three weeks ago. Frank Walton, the man who shot bar-tender Burkman in a saloon fight on Prospect street, plead not guilty and his trial Frank Stinson, the young man who picked up an overcoat in the Union Station and started off with it, plead guilty to the charge of petit larceny. It was his first offense, and on his promise to leave town and go home, where he could obtain em-

and pleaded guilty to the charge of con-

ployement from his brother, he was re-leased on suspended judgment. A Verdict for Big Four.

In the case of Alva R. Highwood, administratrix, against the C., C., C. & St. L. Railroad Company for \$10,000 damages, Judge Bartholomew yesterday instructed the jury to return a verdict for the defendant. Attorney Rooker, for the plaintiff, gave notice that he would file a motion for a

It is stated that Smith received \$12,001.30

evidence being offered, under the decision of the Supreme Court, is that which will show the amount of damage done to Mrs. Haggard's property. The plaintiff tried to show that the saloon was a noisy place, which was frequented by a class of people prejudicial to good exciety while the de-

APPELATE COURT'S DECISION IN FT. WAYNE A. P. A. CASE.

Holds that Bishop Rademacher Has Cause for Action-An Important Banking Law Decision.

Judge Reinhard, of the Appellate Court yesterday ruled against the American Eagle, the A. P. A. newspaper edited at Fort Wayne by William P. Bidwell. The American Eagle some time ago published a sensational article exposing alleged immoralities in the Catholic Orphans' Asylum at Fort Wayne. A feature of the printed article charged that a young girl, an inmate of the asylum, was confined in a dungeon for a week because she would not submit to the proposition of a priest connected with the asylum. Bishop Joseph Rademacher, the creator and superintendent of the institution, began a libel action for damages against the proprietor of the paper and was awarded judgment. Bidwell filed a demurrer during the progress of the case, alleging that the plaintiff had no cause of action. Upon the action of the court the defendant based his appeal to the Appellate Court. Judge Reinhard, in his opinion, decided that the lower court had not erred in overruling the demurrer.

"That the publication was defamatory and libelous of some person or persons, unless justified, is certainly beyond controversy," comments the court. "It cannot be claimed with any degree of plausibility that the perpetrator of such a nefarious act as charged would not merit and probably incur the contempt and obloquy of every rightthinking citizen. The publication charges that a young woman, probably an orphan, admitted to the institution to be taught morals and religion, has, according to her own account, been systematically pursued by one who had been set over her in loco parentis, in an attempt to induce her to yield to his desires, and when she spurned his advances was locked up and fed on bread and water for a week. Whoever is implicated in such diabolical exercise of power over a helpless female deserves the condemnation of every person who upholds decency or even modesty, and that the publication was intended to have that effect is plainly apparent. The charge implicates not only the priest who sought to wrong the girl, but it reflects directly upon the asylum and its management, if not upon all the Roman Catholic citizens and churches in Fort Wayne. It plainly intimates in the closing words not only that corruption and crime exist, but that every convent, nunnery, orphan asylum or other institution peculiar to the sect, is tainted with similar corruption and crime, which the writer proposes to expose by turning those places inside out for public inspection. If these charges are true, whoever is familiar with appellee's connection with those places would naturally and justly ascribe a large portion of the blame to the bishop, whose duty it is to see and know that proper management and government

prevails. "It is required in a declaration of slan-der to show that the plaintiff is the person referred to. Under our code it is not neces-sary, in an action for libel or slander, to state e"trinsic facts connecting the plaintiff with defamatory matter as the person to whom the words were applied. It is sufficient if there be any averrment generally that such matter was published of and concerning the plaintiff. If the allegations be denied, it then devolves upon the plain-tiff to prove that the defamatory words were spoken of him. It has long been the rule that publications and their character cannot be excused on the ground that they are matters of such public interest as to properly form the subject of comment in a newspaper. Where the words are capable ble of having a special application to the plaintiff and there is an averrment that they were published of him, the action will lie, although at first sight the words used may appear only to apply to a class of individuals and not to be specially defamatory of any particular member of that class. It is sufficient to say that in our view the complaint states a cause of ac-

IMPORTANT BANK CASE. Supreme Court Holds the Indictment

Against the Arnolds Good. 250 An opinion handed down in the Supreme Court yesterday relative to bank legislation will excite the interest of people in many quarters of the State. In February. 1894, James and Jesse Arnold, known as James Arnold & Co., bankers, Columbia City, were indicted by the Whitley county grand jury. The chief count in the bill against them charged that they received a deposit of \$25 at a time when the bank was insolvent. J. M. Van Fleet, as special judge, tried the case. At the opening of the case the appellees appeared with a motion to quash the indictment, which was sustained by the court. The contention was that the act of March 9, 1891, of the General Assembly, so far as it relates to private banks, is unconstitutional and void. They held that the act which purported to include them in its application was in contravention to Section 19, Act 4 of the Constitution of Indiana: "Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall not be void only as to so much thereof as shall not be expressed in the title." The title of the act of March 1891, upon which the indictment in the Arnold case was predicated is an act "concerning bank officers, brokers, etc., receiving deposits after insolvency, repealing all laws in conflict herewith." The appellees maintained that it was not broad enough to warrant legislation touching an entirely different class of men. The State, appealing the case to the Supreme Court, Judge Daily yesterday reversed the decision of the lower judge and remanded the case back to the Circuit Court. After citing a long list of authorities, the Court says:

"It would evidently be wrong to reason a man into a penalty by a long train of conclusions. But we are of the opinion, first, that the act in question embraces but one The Holland Pensant Appears Under that the act in question embraces but one subject; second, that the subject matter and the general character of the act are fairly expressed in the title; third, that no subject is embraced in the act which is not expressed fairly and sufficiently in the title. In Hingle vs. the State, 24 Ind. Judge Fraser, in construing Section 19, Act 4 of the Constitution said: 'Now, it is quite evident that the word "subject" is here used to indicate the chief thing about which the legislation is had, and "matters" the things which are secondary, subordinate or incidental. The mischiefs intended to be prevented by the section were two-first, the passage of an act under a false and delusive title which did not indicate year and has remained. He has been favorthe subject matter contained in the act a trick by which members of the Legis-lature had been deceived into support of measures in ignorance of their own character; second, the combining together in one act of two or more subjects having no relation to each other—a method by which members, in order to procure such legislation as they wish, were often constrained to support and pass other measures ob-noxious to them and having no intrinsic giving two etudes, the "A flat Valse" and the "Grand Polonise." He played the "Moonlight Sonata" with all its grace, and merit.'

Continuing, Judge Daily says: "In con-struing this wise and salutary provision of our organic law, intending to prevent evil and vicious legislation, courts have frequently lost sight of its real purpose and by forced constructions defeated its object and aggravated the very abuse it was in-tended to remedy. In Hingle vs. the State it is said: 'More than once have salutary and useful measures of legislation been held void, and this provision of our Consti-tution intended to prevent certain well-known practices in legislation which had grown into serious evil, became itself greater curse, we fear, than had been the vices it was intended to cure."
"We think," concludes the Court, "that the ruling of the court below was a depart-ure from correct principles and was erro-neous. The judgment is reversed and the cause remanded with instructions to the Circuit Court to overrule the motion to ceedings in accordance with this opinion.

The Benefit for a Little Child. The benefit entertainment tendered to little Caroline McDonald, at Masonic Hall last evening, attracted a large audience. Mr. Gustave York, of the Charles Dickson company, which is still idle owing to the notice that he would file a motion for a new trial, which was done later in the day.

Evidence in Stehlin Case.

The Stehlin saloon case was on trial in the Circuit Court all day yesterday. The only, illness of Mr. Dickson, was passing when

each number was well rendered and won the hearty applause of the audience. In addition to those assisting not mentioned on the programme were Prof. Julius F. Kohl, Professor Spahr and Miss Ima Wells. The entertainment and programme was arranged by Miss Kate Ward and Mrs. C. C. Kelly.

PERSONAL AND SOCIETY.

John L. Goben, of Crawfordsville, is in Major J. F. Wildman and wife, of Muncie, are visiting Col. J. W. Wildman. Mrs. Agnes Brown has returned from a six-weeks' visit to friends in New York. Miss Susan Stewart will go to Chicago next week to visit her aunt, Mrs. Ker-

W. P. Ballard is in South Bend this week.

The Misses Taylor left yesterday after-noon for Asheville, N. C., to spend several

Mrs. Charles Major, of Ehelbyville, will come to visit Mrs. Thomas Swain, 18 East ermont street. Miss Duniop and Mrs. Emma Monroe have returned from the West, and will be at home to callers Thursday. Mrs. George K. Trask and daughter, Mrs. J. E. Whelden, who have been visiting in Connersville, have returned home.

Miss Lucy Sampard, of Plainfield, and Miss Florence Underdown, of Evanston, Ill., are visiting Mrs. Frank McCray. Miss Edith Shively, of Chicago, formerly of California, is the guest of Miss Mary Lewis Taylor on East Washington street. Miss Callahan, of Dayton, who is visit-ing Mrs. Charles Holstein and Miss Jes-sie Miller, will return home the last of the

Mrs. Thomas M. Potter and daughter Susie, of Peabody, Kan., arrived last even-ing, and are guests of Mr. and Mrs. Charles Miss Jessie Hughes, who has been in Minneapolis with her sister, Mrs. Jelly, for several months, has returned to this city

Mr. William Shover, of West Indianapolis, left yesterday for Hot Springs, Ark., Gal-veston, New Orleans and Cuba, returning by way of Louisville.

The marriage of Miss Lillian Potter, daughter of Mr. and Mrs. W. H. Potter, and Mr. Walter S. Whitten will take place to-day, at noon, at the family residence on North Alabama street. Mrs. Claypool, Mrs. Reinhard and Miss Ahern, State Librarian, led in the discussion of current events yesterday after-noon at the meeting of the Fortnightly Lit-

erary Club. Word was received yesterday from L. M. Phipps, formerly of this city, now a resident of Walla Walla, Wash., of the death of his daughter, Mrs. Mame Fitzhugh Phipps, at Walla Walla.

Mr. and Mrs. Sylvester Johnson will observe their golden wedding anniversary today at their home in Irvington by holding an informal reception from 2 to 6 o'clock. There are no formal invitations, all their friends being asked to call.

Invitations have been received by friends here from Mr. and Mrs. Bronson Howard, of Detroit, for the marriage of their niece, Miss Margaret Bronson Waterman, and Mr. George Morris West, formerly of this city, to occur Tuesday, the 27th, at 7:30 o'clock, at Grace Church, Detroit. At home cards read Mondays after Jan. 15 at No. 170 Warren avenue, east.

Mrs. Ferdinand L. Mayer gave a handsome green and white luncheon yesterday in honor of Miss Margaret Carey. Fourteen guest were seated at the table. In teen guest were seated at the table. In the center was a Hungarian green glass bowl filled with white roses and at each plate was a white rose tied with green ribbon, bearing the name of the guest in gilt letters. The company included Miss Miller, Miss Woods, the Misses Lyon, Miss Fahnley, Miss Bradshaw, Miss Bybee, Miss Erwin, Miss Annie Dye, Miss Callahan, of Dayton; Miss Knippenberg and Mrs. William Scott

HENLEY GOLDEN WEDDING. Special to the Indianapolis Journal. CARTHAGE, Ind., Nov. 20 .- To-day and to-night Micajah Henley and his wife, Ruth, celebrated their golden wedding at this place. Mr. and Mrs. Henley have resided in this locality for over fifty years, and are among the best-known citizens. They have seven children and eight grand-children living. There was present at the celebration about one hundred of their friends and relatives.

DINGLEDEY-HAAG. Special to the Indianapolis Journal. RICHMOND, Ind., Nov. 20.-At Upper Sandusky, O., to-day, occurred the marriage of Mr. Lewis Dingledey, of this city, and Miss Anna Haag, of that place. They will reside here, Mr. Dingledey being one of the city's best-known young business men.

A GRAND ENCAMPMENT. Meeting Held in I. O. O. F. Grand Lodge Hall Yesterday.

Odd Fellows from all over the State are in the city attending the Grand Encampment of the order, which convened in the Grand Lodge Hall yesterday. The grand patriarch, George Shirts, of Noblesville, presided, all the other grand officers being present. The report of B. F. Foster, grand scribe, showed that the membership did not increase last year as it had in other years. He attributed this fact to the general financial depression. The total encampment membership in the State is 11,00%. In the past year the encampment has paid for charity and relief \$20,766.41, and the total expense, including relief, was \$36,137.94. Since the last Grand Encampment a new revision of the law has been printed.

The report of John Reynolds, grand treasurer, showed that the Grand Encampment had received during the year \$4,485.46, and that the only liability is a note of \$1,000 due the Indiana National Bank. John B. Cockrum and J. W. Cooper, delegates to the last meeting of the Sovereign Grand Lodge, reported the action of that body on many important questions.

The Grand Lodge will meet to-day in its regular semi-annual session.

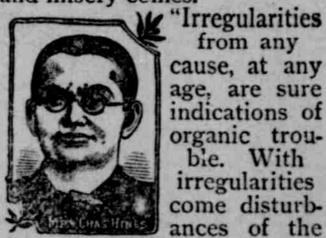
The Arm of a Cadaver. The city health office yesterday received a telephone message saying that a human body was lying on the sidewalk in the neighborhood of the gas ny's building, which was Sanitary officers Shepard and Berryman were detailed. The find proved to be only a human arm, a relic of the dissecting room of the medical college. They took it to the crematory and burned it.

Governor's Health Not Good. Governor Matthews's health is not as good as usual. The work of the campaign overtaxed his strength, his friends claim, and they think that he should take a vacation of one or two weeks, but he is not inclined to do so. He says there is too much work demanding his attention for him to leave the city.

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